

March 7, 2016

VIA ECF

The Honorable Lorna G. Schofield
United States District Judge for the
Southern District of New York
40 Foley Square
New York, New York 10007

Re: ***Thind v. HF Management Services, LLC*, Civil Docket No. 14-9539 (LGS)**

Dear Judge Schofield:

Pursuant to Section III(a) of the Fifth Amended Scheduling Order (ECF No. 241) (the “Scheduling Order”), the parties jointly submit the following status letter “explaining what written discovery has taken place and what written discovery remains,” “advis[ing] the Court as to whether they can reach an agreement concerning an appropriate program for depositions,” and “indicat[ing] whether a conference is needed to address any discovery issues.”

As discussed below, Plaintiff’s production of Opt-in Plaintiffs’ discovery responses has completed and Defendant’s production of reciprocal discovery is ongoing. Defendant expects to complete its production on or before the April 8, 2016 deadline set forth in the Scheduling Order. The parties expect to discuss a plan for depositions over the next few weeks, as well as any other issues relating to the case, and will alert the Court as to whether a conference is needed to address any such issues.

I. Status of Written Discovery

Written discovery is proceeding on schedule. February 29, 2016 was the deadline set in Section II(e) of the Scheduling Order for Plaintiff to complete its production of Opt-in Plaintiffs’ responses to Defendant’s First Set of Interrogatories to Opt-in Plaintiffs and Defendant’s First Set of Document Requests to Opt-in Plaintiffs, both served on October 6, 2015 (collectively, “Defendant’s Discovery Requests”). By that deadline, 84 of 144 Opt-in Plaintiffs had provided interrogatory responses, and one additional Opt-in Plaintiff produced discovery on March 3, 2016. The parties agree that 58 Opt-in Plaintiffs failed to produce any discovery responses, and Defendant has moved to dismiss these Opt-in Plaintiffs with prejudice.¹ (See ECF No. 243, 245.) Plaintiff does not object to Defendant’s motion, so long as the dismissals are without prejudice. (See ECF No. 245). As directed by the Court, the parties have submitted letters setting forth their respective positions. (See ECF No. 243, 245.)

Defendant, pursuant to Section II(g) of the Scheduling Order, has been producing, “on a rolling basis,” “reciprocal discovery” for each Opt-in Plaintiff that has made a “complete discovery production.” Defendant has produced reciprocal discovery for 36 Opt-in Plaintiffs, and will continue to produce reciprocal discovery on a rolling basis. Defendant expects to complete its reciprocal production on or before the April 8, 2016 deadline set in Section II(g) of the Scheduling Order.

¹ One Opt-in Plaintiff, appearing on the docket only as a result of Plaintiff’s filing error, was terminated by the Court on March 3, 2016. (See ECF No. 244.)

II. Agreement Concerning Appropriate Program for Depositions

The parties expect to discuss a plan for depositions over the next few weeks, as well as any other issues relating to the case, and will alert the Court as to whether a conference is needed to address any such issues.

III. Need for Conference to Address Discovery Issues

The parties do not presently see a need for a conference to address discovery issues. As noted above, if the parties cannot reach agreement on an appropriate program for depositions or on any other issues, they will inform the Court.

By: s/ Samuel Veytsman

Samuel Veytsman
Michael J. Borrelli
Alexander T. Coleman
Borrelli & Associates, P.L.L.C.
1010 Northern Blvd., Suite 328
Great Neck, New York 11021
Tel: (516) 248-5550
Fax: (516) 248-6027
Email: sve@employmentlawyernewyork.com
mjb@employmentlawyernewyork.com
atc@employmentlawyernewyork.com

Attorneys for Plaintiff

By: s/ Scott B. Klugman

Scott B. Klugman
Seth L. Levine
Aaron I. Karp
Levine Lee LLP
666 Fifth Avenue
New York, New York 10103
Tel: (212) 223-4400
Fax: (212) 223-4425
Email: sklugman@levinelee.com
slevine@levinelee.com
akarp@levinelee.com

Andrew P. Marks
Littler Mendelson P.C.
900 Third Avenue
New York, New York 10022
Telephone: (212) 583-9600
Facsimile: (212) 832-2719
Email: amarks@littler.com

Attorneys for Defendant